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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE :	§	CASE NO. 09-70030-hdh-7
	§	
George Patrick Sulima	§	CHAPTER 7
	§	
DEBTOR(S)	§	

George Patrick Sulima	§	Hearing Date: August 19, 2009
MOVANT	§	Hearing Time: 9:00 AM
Vs.	§	
Solitaire Holdings, LLC	§	

MOTION TO COMPEL TURNOVER OF FUNDS

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The above named debtor in the above-styled cause requests the Court to order the turnover of property to Debtor, George Patrick Sulima, and as grounds therefore would respectfully show the Court as follows:

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §1334 and 11 U.S.C. § 542 and this matter is a core proceeding.
2. On 1/29/2009, the above named debtor filed a voluntary petition for relief under Chapter 7 of the U.S. Bankruptcy Code.
3. At the time Debtor filed for relief, Solitaire Holdings, LLC ("Solitaire") was in possession of property, approximately \$2,996.87. The funds are garnished wages held by Solitaire intended to satisfy a judgment.
4. Debtor listed the garnished wages in Schedule B of his bankruptcy case filing and exempted the property under 11 U.S.C. §522(d)(5) on Schedule C of the bankruptcy petition.
5. No party objected to Debtor's claimed exemptions or claimed a perfected security interest in the funds.
6. Debtor believes that the funds are not subject to any statutory or judicial lien, however if the Court finds the funds subject to a judicial lien, the lien is avoidable under 11 U.S.C. §522 of the Bankruptcy Code.
7. On 5/28/2009, an Order Discharging Debtor was entered with the Court.

WHEREFORE PREMISES CONSIDERED, the Debtor prays that the Court order Solitaire Holdings, LLC, to promptly deliver the garnished funds in the amount of \$2,996.87 to Debtor, George Patrick Sulima, and for Debtor's general relief.

Respectfully submitted,
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/s/Monte J. White
State Bar No. 00785232
Attorney for Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 2, 2009, a true and correct copy of the foregoing was served via ECF or First Class Mail on the following entities.

Shawn Brown, Chapter 7 Trustee	ECF
United State Trustee	ECF
All entities filing a notice of appearance	ECF
Solitaire Holdings, LLC	First Class Mail

/s/Monte J. White
Attorney for Debtor

CERTIFICATE OF CONFERENCE

Through correspondence and conversation with the attorney for Solitaire Holdings, LLC, Randy Witzke, I am of the understanding that Solitaire Holdings, LLC, wants an order concerning turnover of the funds, but is not opposed to having the matter heard by Motion.

/s/Monte J. White
Attorney for Debtor